

REMARKS

Favorable reconsideration of this application, in light of the present amendment and in view of the following discussion, is respectfully requested.

Claims 1-24 are pending in the present application, and claims 1, 2, 4, 5, 8, 11, 14-16 and 19-24 are amended by the present amendment.

As an initial matter, Applicants thank the Examiner for acknowledgment of Applicants' claim for priority, and for confirming receipt of the certified copy of the priority document, as noted in item 1 at page 2 of the outstanding Office Action, and for the acknowledgment that the drawings are acceptable, as noted in item 10(a) of the Office Action Summary.

Objections to the Abstract and Specification

In the outstanding Office Action, the Abstract and Specification were objected to for informalities. By the present response, the Specification and Abstract are amended in light of the comments noted in the outstanding Office Action, and to better conform to standard patent practice. Accordingly, it is respectfully requested the objections to the Specification and Abstract be withdrawn.

Rejection under 35 U.S.C. § 112

Claims 4, 14, 16 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 4, 14, 16 and 22 are amended in light of the comments noted in the outstanding Office Action. Further, a non-limiting example of an embodiment relating to claim 4 is found in the specification at page 8, paragraph 31 and in FIGS. 1 and 2; a non-

limiting example of an embodiment relating to claim 14 is found in the specification at page 13, paragraph 48 and in FIG. 6; a non-limiting example of an embodiment relating to claim 16 is found in the specification at page 13, paragraph 48 and in FIG. 6; and a non-limiting example of an embodiment relating to claim 4 is found in the specification at page 20, paragraphs 70 and 71 and in FIG. 10. It is respectfully submitted claims 4, 14, 16 and 22, thus amended, satisfy the requirements of 35 U.S.C. § 112.

In addition, claims 1, 2, 4, 5, 8, 11, 14-16 and 19-24 are also amended to correct minor informalities and to better conform to standard claim drafting practice. Because these amendments are made only to present the claims in better form, no estoppel should be deemed to attach to the pending claims by these amendments.

Accordingly, it is respectfully requested this rejection also be withdrawn.

Double-Patenting Rejections

Claims 1-13, 15, 17-21 and 24 were rejected under the judicially-created doctrine of obviousness-type double-patenting as unpatentable over claims 1-36 of US Patent No. 6,691,530 to Lee et al. (herein “Lee”); claims 14 and 16 were rejected under the judicially-created doctrine of obviousness-type double-patenting as unpatentable over Lee and U.S. Patent No. 6,314,751 to Gjersvik; and claims 22 and 23 were rejected under the judicially-created doctrine of obviousness-type double-patenting as unpatentable over Lee and U.S. Patent No. 4,580,405 to Cretzmeyer, III (herein “Cretzmeyer”). These rejections are respectfully traversed.

A Terminal Disclaimer is being filed concurrently with the present Amendment, disclaiming the terminal portion of any patent arising from the present application which would extend beyond the patent term of Lee. Therefore, it is respectfully submitted that Lee is removed as effective prior art for the present application.

However, in filing the Terminal Disclaimer, neither Applicants nor the Assignee make any admissions as to the propriety of the rejections of claims 1-24 under the judicially-created doctrine of obviousness-type double patenting. Rather, Applicants are filing the Terminal Disclaimer only to obtain early allowance of the claims of the present application. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1-24 under the judicially-created doctrine of obviousness-type double patenting.

Further, neither Gjersvik nor Cretzmeyer, either alone or in combination, teach all the features of the pending claims. For example, Gjersvik only discusses a chilling apparatus in which ice water enters a side portion of a compartment and in which a container is rotated in the ice water, and Cretzmeyer only discusses a beverage cooling device in which a beverage container is made to rotate and frictionally engage ice in an ice receptacle. However, neither Gjersvik nor Cretzmeyer disclose or suggest at least “ringing a cold accumulation pack into contact with a drink container, and shaking the cold accumulation pack and the drink container together,” as recited in pending independent claim 1, for example.

Moreover, the other pending claims are believed to further patentably distinguish over the cited art. For example, claim 12 depends on independent claim 1 via claim 11, and is directed to a quick cooling device including a “cold accumulation material” which “is a solution of sodium chloride, or potassium chloride.” Neither Gjersvik nor Cretzmeyer disclose such features.

Accordingly, it is respectfully submitted independent claim 1 and each of the claims depending therefrom patentably distinguish over the cited art.

Conclusion

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance.

Accordingly, consideration of the present Amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein is respectfully requested.

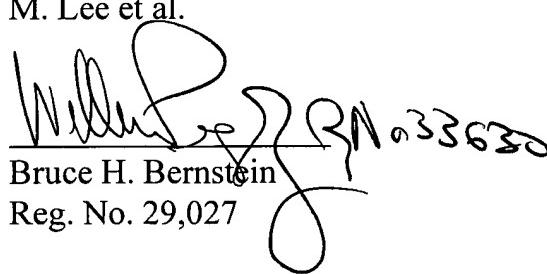
The amendments to the claims which have been made in this amendment, have not been specifically noted to overcome a rejection based on the cited art, and should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to have attached thereto.

Applicants have made a sincere effort to place the present application in condition for allowance and believe they have now done so.

If the Examiner has any questions concerning this Amendment or the present application, Applicants respectfully invite the Examiner to contact the undersigned at the telephone number listed below.

Respectfully submitted,
M. Lee et al.

Bruce H. Bernstein
Reg. No. 29,027



A handwritten signature of Bruce H. Bernstein in black ink. The signature is fluid and cursive, appearing to read "Bruce H. Bernstein". To the right of the signature, there is handwritten text "RN 033630" and "Reg. No. 29,027".

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